

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPRI SUN GMBH,

Plaintiff,

-v-

AMERICAN BEVERAGE CORP.,

Defendant.

19 Civ. 1422 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

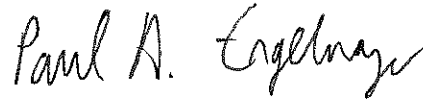
On November 21, 2022, the Court scheduled a jury trial to commence on Monday, June 12, 2023. Dkt. 258. However, a closer examination of the schedule reveals that a jury trial beginning June 12 would be impractical, because the jury's service would be interrupted for effectively the entire following week, first by the June 19 federal holiday, and then by the Second Circuit Judicial Conference, which the Court is attending.

There are two alternatives. If the parties are both prepared to consent to a bench trial, the Court will maintain the June 12 trial date, and continue the trial, on dates mutually convenient to counsel and the Court, following the Judicial Conference. Such a trial is apt to be materially shorter in duration, and more flexibly scheduled, than a jury trial. Alternatively, if a jury trial is sought, it is likely that such a trial could commence either on or about July 10, 2023 (if a 2-3 week criminal trial scheduled to start that day results in a guilty plea) or immediately upon the completion of the criminal trial (*i.e.*, likely commencing during the week of July 24).

The Court directs counsel to promptly confer, and to file a joint letter by April 4, 2023 stating whether the parties both agree to a bench trial. (If not, for avoidance of doubt, the letter

should not identify which party or parties did not so consent.) If not, the letter should confirm whether the parties are available for a jury trial in July during the dates indicated.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a horizontal line underneath the name.

PAUL A. ENGELMAYER
United States District Judge

Dated: March 30, 2023
New York, New York